

Application of Simon Erani
Serial No. 09/922,233 filed 8/3/2001
Response of 9/24/2003 to Office Action of 4/24/2003

Remarks

Receipt is acknowledged of the Office Action of April 24, 2003 in the above-captioned matter. Reconsideration of the application and a two month extension of the time provided for response are respectfully requested. The Commissioner is hereby authorized to charge Deposit Account No. 50-1604 for all fees required, and it is requested that any overpayments be credited thereto.

In the Office Action, the claims of the application were rejected over Cohen et al. (U.S. Patent No. 5,560,917). Further thereto, several of the claims have been amended as set forth above. Reconsideration of the rejection is respectfully requested.

In accordance with the present inventions, compositions have been provided for the treatment of the skin. The compositions include formulations that have been specifically developed to reduce and/or reverse the visible appearance of skin damage, and to provide younger, healthier looking skin. As set forth in the listing of claims above, all of the claims of the application are presently directed to a composition including a mixture of at least ascorbylmethysilanol pectinate and cholecalciferol polypeptide. This combination is not taught or suggested in any of the art of record.

Extensive experimentation was conducted to develop the formulations disclosed in the application. Further thereto, particular forms of certain components were used so as to provide optimal results.

More specifically, with respect to Vitamin C, the compound claimed in the present invention is not the form of Vitamin C commonly used (which is known as ascorbic acid). Rather, ascorbylmethysilanol pectinate is claimed, which is a much more uncommon form of this vitamin.

Application of Simon Erani
Serial No. 09/922,233 filed 8/3/2001
Response of 9/24/2003 to Office Action of 4/24/2003

Likewise, with respect to Vitamin D, the common form is not claimed herein, but rather what is claimed is cholecalciferol polypeptide (also referred to as Vitamin D Polypeptide or Vitazyme® D).

It is desirable that these particular components are utilized, as opposed to other forms of Vitamin C and Vitamin D, due to the fact that the claimed components have been found to produce superior results over standard materials.

None of the references teach or suggest a combination containing these particular two components. Nor do they teach these two components in conjunction with retinyl palmitate polypeptide, tocopheryl polypeptide, niacinamide polypeptide and/or glycolic acid.

Cohen, for example, teaches the use of ascorbyl palmitate or ascorbic acid polypeptide (Vitazyme® C). He does not teach or suggest the use of ascorbylmethylsilanol pectinate. Likewise, he does not teach or suggest any use of cholecalciferol polypeptide.

In view of the above, it is respectfully submitted that the present claims are all fully patentable over the art of record. Favorable action on all of the claims is respectfully requested and believed fully warranted.

Dated: September 24, 2003

Respectfully submitted,



Morris E. Cohen (Reg. No. 39,947)
1122 Coney Island Avenue, Suite 217
Brooklyn, New York 11230
(718) 859-8009 (telephone)
(718) 859-3044 (facsimile)

**RECEIVED
CENTRAL FAX CENTER**

SEP 25 2003

OFFICIAL